

MANDATE04-30007
05OC-MABO
J. Ponsor

United States Court of Appeals

For the First Circuit

No. 04-1906

RAFAEL FONTANEZ,
 Petitioner, Appellant,
 v.
 UNITED STATES,
 Respondent, Appellee.

Before
 Boudin, Chief Judge,
 Stahl, Senior Circuit Judge,
 and Lynch, Circuit Judge.

JUDGMENT
 Entered: September 20, 2005

Substantially for the reasons given by Judge Ponsor in his Memorandum and Order dated June 18, 2004 and in that dated August 20, 2004, we conclude that petitioner has not made a substantial showing of the denial of a constitutional right under 28 U.S.C. § 2253. The request for a certificate of appealability is denied and this appeal is terminated.

By the Court:

Richard Cushing Donovan, Clerk.

By: MARGARET CARTER
 Chief Deputy Clerk.

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

Richard Cushing Donovan
Deputy Clerk

Date: 11/20/06

[cc: Rafael Fontanez, Todd E. Newhouse, AUSA,
Dina Michael Chaitowitz, AUSA]